

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference P017841WO	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/GB 03/03712	International filing date (day/month/year) 21.08.2003	Priority date (day/month/year) 21.08.2002
International Patent Classification (IPC) or both national classification and IPC H04Q7/22		
Applicant INTELLPROP LIMITED et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 9 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:
 - I Basis of the opinion
 - II Priority
 - III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV Lack of unity of invention
 - V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI Certain documents cited
 - VII Certain defects in the international application
 - VIII Certain observations on the international application

Date of submission of the demand 16.03.2004	Date of completion of this report 24.11.2004
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**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

—International application No.—

PCT/GB-03/03712

I. Basis of the report

1. With regard to the elements of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-52 as originally filed

Claims, Numbers

1-42 as originally filed

Drawings, Sheets

1/5-55 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: english , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
 - the language of publication of the international application (under Rule 48.3(b)).
 - the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

 - contained in the international application in written form.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority in written form.
 - furnished subsequently to this Authority in computer readable form.
 - The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 - The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
 - the claims, Nos.:
 - the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB-03/03712

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).
(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:
- the entire international application,
- claims Nos. 16-20, 36-42
- because:
- the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):
- the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 16-20, 36-42 are so unclear that no meaningful opinion could be formed (*specify*):
- see separate sheet**
- the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- no international search report has been established for the said claims Nos.
2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:
- the written form has not been furnished or does not comply with the Standard.
- the computer readable form has not been furnished or does not comply with the Standard.

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees, the applicant has:
- restricted the claims.
- paid additional fees.
- paid additional fees under protest.
- neither restricted nor paid additional fees.
2. This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB-03/03712

- complied with.
- not complied with for the following reasons:
4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:
- all parts.
- the parts relating to claims Nos. 1-15, 21-35 .

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1,21
Inventive step (IS)	Yes: Claims	
	No: Claims	2-15, 22-35
Industrial applicability (IA)	Yes: Claims	1-15, 21-35
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB 03/03712

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. **Claims 16 to 20 and 36 to 42** refer to an apparatus, method, computer program and relative storage medium for parsing and interpreting of text messages, i.e. interpreting rules of a syntax, which correspond to a scheme of rules defined per convention, hence having an abstract rather than technical character, and representing matter excluded from international preliminary examination according to **Rule 67(iii) PCT**.
2. Moreover, these features could not represent a technical contribution over the prior art supporting an inventive step as required by **Article 33(1) PCT**.

Re Item IV

Lack of unity of invention

This Authority considers that there are **two** inventions covered by the claims indicated as follows:

- I: **Claims 1 to 15 and 21 to 35** directed to an apparatus, method, computer program and storage means for use with a telephone network adapted to support the execution of one or more messaging applications.
- II: **Claims 16 to 20 and 36 to 42** directed to an apparatus and method for use with a telephone network adapted to parse, interpret and transform a message content and its addressing based on syntax rules.

The objective problem solved by the subject-matter of **Claims 1 to 15 and 21 to 35** is to provide to a SMS router the possibility to perform a plurality of different operations to the incoming messages, based on the message type informations provided within each message.

On the other side, **Claims 16 to 20 and 36 to 42** are directed to the application of a scheme based on syntax rules for parsing and interpreting text messages.

The only common technical feature between these two groups of claimed subject-matter is

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB 03/03712

a process of message transformation, which is obviously not new (see for instance D1, paragraphs [0144], [0145]) and therefore it does not represent a **single general inventive concept** between **Claims 1 to 15 and 21 to 35 and Claims 16 to 20, 36 to 42 and 41, 42.**

In conclusion, the groups of claims are not linked by common or corresponding special technical features and define two different inventions not linked by a single general inventive concept.

The application, hence does not meet the requirements of unity of invention as defined in Rules 13.1 and 13.2 PCT.

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

An opinion on novelty and inventive step is only possible on **Claims 1 to 15, 21 to 35** forming the invention I.

Reference is made to the following documents:

- D1: US-A-2002 112 014
- D2: US-A-6 057 841
- D3: US-B-6 408 181
- D4: WO 01/ 15 463 A2

3. The present application does not meet the requirements of Article 33(2) PCT, because the subject-matter of **Claim 1** is not novel for the following reasons.

Document **D1**, which is considered to represent the most relevant state of the art, discloses, according to the features of **Claim 1** (applying the terminology of present

- **Claim 1** and the references to **D1**), a telecommunications.services apparatus for use with a telephone network (Web Server and SMS Router "24", fig. 1; paragraphs [0019],[0020]), the apparatus comprising:

- means (paragraph [0068]) operable to support execution of one or more

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB 03/03712

messaging applications (paragraphs [0062], [0068]), wherein an application may be executed for each of any or all messages that arrive at the apparatus;

- means for storing message attributes (routing database "22", fig. 1; Table "408", fig. 8; paragraphs [0080], [0155], [0156]) matched to respective messaging applications;
- means for comparing, for each message, an attribute of that message with the stored message attributes, and operable thereby to select the respective messaging application on the basis of the comparison (paragraphs [0062], [0080], [0083], [0110], [0135], [0151], [0186], fig. 3).
- means for executing the selected messaging application (paragraph [0080]), execution of the selected application including processing (paragraphs [0080], [0110]) transforming (paragraphs [0144], [0145]) and/or routing the respective message (paragraph [0037]).

All the features of **Claim 1** are thus known from **D1**, the subject-matter of **Claim 1** is therefore not novel and does not satisfy the criterion set forth in **Article 33(2) PCT**.

It is furthermore noted that even if the Applicant would interpret the disclosure of document **D1** in a slightly different manner than the examiner has done in the above analysis, and based on his interpretations would come to the conclusion that there are differences between the subject matter of present **Claim 1** and **D1** which would then establish novelty, then these differences, even if they could be acknowledged as such, would only be of so minor nature that they could not be the basis for establishing the presence of any inventive step, as **D1** discloses the same object and the same type of solution as the present application, and **Claim 1** would, even with such a difference in interpretation, not meet the requirements of **Article 33(3) PCT**.

4. The same considerations as made in respect of independent **Claim 1** are also valid for independent **Claim 21** which contains the corresponding feature combination as **Claim 1** in terms of a claim relating to a method.

Therefore, the subject-matter of independent **Claim 21** does not involve an inventive

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB 03/03712

step and does not satisfy the criterion set forth in Article 33(3) PCT.

5. The additional features of dependent **Claims 2 to 15 and 22 to 35** do not involve an inventive step (**Article 33(3) PCT**) since they are obviously derivable by the skilled person from **D1, D2, D3 and D4** or represent standard practice.

- The features of **Claims 2 to 5** are derivable from the teachings of **D1** (paragraphs [0074], [0076], [0079], [0094], [0135]).
- The features of **Claim 6** are derivable from the teachings of **D1** (paragraphs [0092], [0102]).
- The features of **Claim 7** are derivable from the teachings of **D1** (paragraphs [0052], [0079], [0150]).
- The features of **Claims 8 and 9** are derivable from the teachings of **D1** (paragraphs [0020]-[0022]) and the common general knowledge.
- The features of **Claim 10** are derivable from the teachings of **D1** (paragraphs [0037], [0080], [0110], [0144], [0145]).
- The features of **Claim 11** are derivable from the teachings of **D1** (paragraphs [0173], [0180]).
- The features of **Claims 12 and 14** are derivable from the teachings of **D1** (paragraph [0138]).
- The features of **Claim 13** are derivable from the teachings of **D1** (paragraphs [0023], [0085]).
- The features of **Claim 15** are derivable from the teachings of **D3** which discloses a method to reduce the signalling traffic by reducing the number of HLR and VLR queries. To achieve this result, the SRI queries are no longer forwarded to the HLR (paragraphs [0003], [0006], [0009]).

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB 03/03712

The same considerations as made in respect of dependent **Claims 2 to 15** are also valid for dependent **Claims 22 to 35** which contains the corresponding feature combination as **Claims 2 to 15** in terms of claims relating to a method.

Therefore, the subject-matter of dependent **Claims 2 to 15** does not involve an inventive step and does not satisfy the criterion set forth in Article 33(3) PCT.

The attention of the Applicant is drawn to the further deficiencies:

6. The claims have not been drafted in the two-part form recommended by **Rule 6.3(b) PCT**.
7. The claims do not include reference signs relating to the technical features referred to therein, **Rule 6.2(b) PCT**.
8. The opening part of the description should have been modified to bring it into agreement with the amended independent claims, **Rule 5.1(a)(iii) PCT**.

In particular, matter relating to the second invention should have been excised from the description and drawings (**Rule 9.1(iv) PCT** and **PCT Guidelines 4.31**).

9. In order to meet the requirements of **Rule 5.1(a)(ii) PCT**, the cited document **D1, D2, D3 and D4** should have been acknowledged and briefly discussed in the opening part of the description.